STAND. COM. REP. NO. 2002

Honolulu, Hawaii

JAN 2 9 2014

RF: S.B. No. 2134

Honorable Donna Mercado Kim President of the Senate Twenty-Seventh State Legislature Regular Session of 2014 State of Hawaii

## Madam:

Your Committee on Education, to which was referred S.B. No. 2134 entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose and intent of this measure is to amend various sections of chapter 302A, Hawaii Revised Statutes, to comply with the requirements of the federal Individuals with Disabilities Education Act.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii Disability Rights Center, Community Children's Council of Hawaii, and Special Education Advisory Council.

Your Committee finds that the United States Court of Appeals for the Ninth Circuit recently held in E.R.K. v. State of Hawaii Department of Education, 728 F.3d 982 (2013), that section 302A-1134(c), Hawaii Revised Statutes, which limits public school attendance to children who are twenty years of age or younger, violated the federal Individuals with Disabilities Education Act by denying public education to special-needs students aged twenty to twenty-one. This measure is necessary to bring Hawaii's law into compliance with the requirements of the federal Individuals with Disabilities Education Act.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B.

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No. 2134 and recommends that it pass Second Reading and be referred to the Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committee on Education,

JILL N/ TOKUDA,

## The Senate Twenty-Seventh Legislature State of Hawai'i

## Record of Votes Committee on Education EDU

Bill / Resolution No.:*	Committee Referral: Date:				
SB2134	EDU,	WAM		-27-1	4
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)					
KIDANI, Michelle N. (VC)					
GABBARD, Mike					
RUDERMAN, Russell E.					
SLOM, Sam					
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TOTAL		5	0	Ø	0
Recommendation:  Adopted  Not Adopted					
Chair's or Designee's Signature Muhille Hidini					
Distribution:         Original         Yellow         Pink         Goldenrod           File with Committee Report         Clerk's Office         Drafting Agency         Committee File Copy					

\*Only one measure per Record of Votes